

Message Text

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SUBJECT: CONSULAR REVIEW TALKS - FIFTH WORKING SESSION

REF: MOSCOW 13544

1. FIFTH SESSION OF CONSULAR REVIEW TALKS HELD SEPT 1. U.S. SIDE REPRESENTED BY COUNSELOR FOR CONSULAR AFFAIRS GROSS, CONSUL SMITH AND VICE-CONSUL NAPPER, WHILE DEPUTY CHIEF OF CONSULAR ADMINISTRATION REZNICHENKO HEADED SIX-MEMBER SOVIET GROUP.

2. COUNSELOR INTRODUCED FINAL TOPIC ON U.S. AGENDA, CONSULAR IMPLICATIONS OF THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE. PRESENTATION DREW ON GUIDANCE PROVIDED STATE 47462 AND COVERED TOPICS OF FAMILY REUNIFICATION, MARRIAGES BETWEEN U.S. AND SOVIET CITIZENS, PRIVATE VISITS AND TRAVEL FOR PERSONAL AND PROFESSIONAL REASONS.

3. ON FAMILY REUNIFICATION, COUNSELOR REMINDED SOVIET SIDE OF CONTINUING U.S. INTEREST IN CASES ON REP LIST 18 PRESENTED BY AMBASSADOR STOESSEL AUGUST 5. COUNSELOR ADDED THAT, ALTHOUGH SOVIET AUTHORITIES GENERALLY STATE THAT EXIT VISAS ONLY REFUSED FOR SECURITY REASONS, SUCH CONSIDERATIONS HARDLY SEEM FACTOR IN MAY REP LIST CASES. CONCLUDING THIS POINT, U.S. SIDE REQUESTED

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SOVIET CONSIDERATION OF SOME ARRANGEMENT BY WHICH U.S. COULD

RECEIVE REASONS FOR REFUSAL IN CASES OF INTEREST TO US.

4. CONSOFFS STATED THAT BI-NATIONAL MARRIAGE SITUATION IS GENERALLY SATISFACTORY, BUT NOTED THAT SOME CASES SUCH AS THOSE OF MCLELLANS, THEIMER, LOOS ARE STILL OUTSTANDING. COUNSELOR THEN CITED GRADUALLY GROWING NUMBER OF PRIVATE SOVIET VISITS, BUT NOTED THAT HERE TOO THERE ARE SOME PROBLEMS SUCH AS IN WITHDRAWAL OF EXIT VISA OF MRS. TESSA CHERNYAK. ON SUBJECT OF TRAVEL FOR PERSONAL AND PROFESSIONAL REASONS, CONSOFFS DREW SOVIET ATTENTION TO PREVIOUS U.S. AGENDA ITEMS, SUCH AS MULTIPLE EXIT/ENTRY VISAS FOR BUSINESSMEN, VALID EXIT VISA FOR DURATION OF STAY OF U.S. EXCHANGEES. COUNSELOR THEN REMINDED SOVIET SIDE OF REOPENING FOR TRAVEL OF AREAS IN STATES OF FLORIDA, MONTANA, IDAHO, NORTH AND SOUTH DAKOTA, MINNESOTA AND NEW MEXICO WHICH WERE TEMPORARILY CLOSED FOR TRAVEL TO CERTAIN SOVIET PERSONNEL IN 1974 AND REQUESTED RECIPROCAL SOVIET ACTION. U.S. SIDE LEFT NON-PAPER ON SUBJECT, COPY OF WHICH BEING FORWARDED TO EUR/SOV.

5. REPLYING FOR SOVIET SIDE, REZNICHENKO STATED THAT SOVIET GOVERNMENT VIEWS HELSINKI DECLARATION AS SINGLE ENTITY OF WHICH ALL PROVISIONS MUST BE FULFILLED, NOT SIMPLY BASKET THREE. HE ADDED, THAT NEVERTHELESS, SOVIET GOVERNMENT HAS TAKEN CONCRETE STEPS TO PROMOTE FAMILY REUNIFICATION AND TO GRANT REQUESTS FOR EXIT VISAS. OBVIOUSLY PREPARED FOR RAISING OF THIS ISSUE, REZNICHENKO CITED FIGURES ON NUMBER OF SOVIET CITIZENS RECEIVING EXIT PERMISSION FOR PERMANENT RESETTLEMENT IN U.S. (FOR 1975 - 247 FAMILIES COMPRISING 680 INDIVIDUALS AND TO DATE IN 1976 - 79 FAMILIES COMPRISING 180 INDIVIDUALS) TO DEMONSTRATE SOVIETS ACTING IN SPIRIT OF FINAL ACT. WITH REGARD TO THREE ISSUES OF FAMILY REUNIFICATION, BINATIONAL MARRIAGES AND PRIVATE VISITS, REZNICHENKO PROFESSED WILLINGNESS OF SOVIET SIDE LOOK INTO SPECIFIC CASES SUBMITTED BY U.S. SIDE. IN ADDITION TO OFTEN CITED SECURITY CONSIDERATIONS, REZNICHENKO STATED THAT REQUESTS FOR EMIGRATION, PRIVATE VISITS AND MARRIAGES ARE SOMETIMES REFUSED BECAUSE THE CLAIMED FAMILY RELATIONSHIP IS EITHER FRAUDULENT OR VERY DISTANT. SUCH REFUSALS IN SPECIFIC CASES, HE SAID, DID NOT MEAN THAT USSR WAS NOT RPT NOT ACTING IN ACCORDANCE WITH PROVISIONS FINAL ACT WHICH PROVIDES THAT SUCH CASES WILL BE RESOLVED IN ACCORDANCE WITH LAWS OF THE STATE CONCERNED. HE POINTED OUT THAT IN SOVIET VIEW, BEHAVIOR CERTAIN AMERICAN RADIO STATIONS, AS WELL LIMITED OFFICIAL USE

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AS REFUSAL SOVIET TRADE UNION DELEGATION VISIT TO SAN FRANCISCO, NOT RPT NOT IN ACCORD WITH HELSINKI DECLARATION. CONCLUDING, REZNICHENKO REAFFIRMED WILLINGNESS TO LOOK INTO POINTS MADE BY U.S., BUT AGAIN AFFIRMED SOVIET VIEW THAT THESE PROVISIONS ARE ALREADY BEING FULFILLED BY SOVIET SIDE.

6. IN BRIEF RESPONSE TO REZNICHENKO COMMENTS, COUNSELOR NOTED THAT U.S. SIDE HONORS ALL BASKETS OF FINAL ACT. SINCE CURRENT

SESSION CONCERNED WITH CONSULAR IMPLICATIONS CSCE, U.S. SIDE
DISCUSSED ONLY CSCE PROVISIONS CONCERNED WITH CONSULAR AFFAIRS.
HE NOTED THAT THESE ALL HAPPEN TO BE IN BASKET THREE, BUT
EXPRESSED READINESS TO DISCUSS PROVISIONS OF OTHER BASKETS FOR
WHICH CONSULAR CONTEXT COULD BE FOUND. REGARDING U.S. REFUSAL
OF VISAS TO SOVIET TRADE UNIONISTS, U.S. SIDE NOTED THAT THIS
MATTER WAS THOROUGHLY DISCUSSED WITH SOVIET SIDE DURING
NEGOTIATIONS LEADING TO AGREEMENT ON FINAL ACT. AS RESULT OF
THOSE DISCUSSIONS, TRADE UNIONS WERE PURPOSELY NOT INCLUDED IN
CSCE FINAL ACT SO THAT SOVIET SIDE UNDERSTANDS WHY U.S. DOES NOT
ISSUE VISAS TO SOVIET TRADE UNION DELEGATIONS. ON QUESTIONS OF U.S.
RADIO STATIONS, COUNSELOR NOTED THAT MANY SOVIET BROADCASTS WERE
NOT PLEASANT TO U.S. EARS EITHER, BUT WE DO NOT THINK IT
APPROPRIATE TO ASK EITHER FOR CLOSURE OF SOVIET RADIO STATIONS OR
REVISION BROADCAST MATERIAL.

7. REZNICHENKO THEN RAISED SOVIET AGENDA ITEMS ON STATUS OF
FAMILY MEMBERS OF ADMINISTRATIVE-TECHNICAL PERSONNEL OF SOVIET
MISSIONS IN U.S. AND CITIZENSHIP OF CHILDREN BORN IN U.S. TO
FAMILIES OF SOVIET PERSONNEL. REFERRING TO 1967-68 US/USSR
EXCHANGE OF NOTES, REZNICHENKO POINTED OUT THAT SOVIET NOTE NO. 53
OF OCTOBER 17, 1967 EXTENDED PRIVILEGES AND IMMUNITIES OF FAMILY
MEMBERS OF AMERICAN ADMINISTRATIVE-TECHNICAL PERSONNEL IN USSR
WHILE US NOTE NO. 1328 OF MARCH 1, 1968 DID NOT MENTION FAMILY
MEMBERS. SOVIET SIDE REQUESTED THAT PRIVILEGES AND IMMUNITIES BE
EXTENDED TO FAMILIES OF SOVIET ADMINISTRATIVE AND TECHNICAL
PERSONNEL IN RECIPROCITY OF THE SOVIET GRANT OF IMMUNITIES TO
FAMILIES OF US PERSONNEL IN THAT CATEGORY.

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8. DRAWING ON GUIDANCE CONTAINED STATE 86235, CONSOFF REPLIED THAT BASIS FOR US GRANT OF IMMUNITIES TO SOVIET ADMINISTRATIVE-TECHNICAL PERSONNEL IS PROVISION OF U.S. LAW WHICH DOES NOT, HOWEVER, PROVIDE FOR SIMILAR GRANT OF IMMUNITIES TO FAMILIES OF SUCH PERSONNEL. U.S. SIDE AVOIDED MENTION OF POSSIBLE REPEAL OF 22 USC 252 WHICH MIGHT AFFECT GRANT OF IMMUNITIES TO SOVIET ADMINISTRATIVE-TECHNICAL PERSONNEL THEMSELVES. REZNICHENKO THEN RE-EMPHASIZED SOVIET INTEREST IN OBTAINING RECIPROCITY IN AREA OF PRIVILEGES AND IMMUNITIES, WHICH HE DESCRIBED AS A VERY SERIOUS PROBLEM FOR SOVIET SIDE. CONSOFFS AGREED TO TRANSMIT SOVIET CONCERNS AND PROPOSAL TO DEPARTMENT.

9. WITH REGARD TO CITIZENSHIP OF CHILDREN BORN TO NON-DIPLOMATIC FAMILIES OF SOVIET PERSONNEL IN U.S., REZNICHENKO ACKNOWLEDGED THAT, ACCORDING TO U.S. LAW, SUCH CHILDREN HAVE A CLAIM TO U.S. CITIZENSHIP. SOVIET PROPOSAL REQUESTED, HOWEVER, THAT CHILDREN BORN TO SOVIET PERSONNEL STATIONED IN U.S. BE EXEMPTED FROM THIS PROVISION. SOVIET SIDE CITED PROBLEMS IN RE-ENTRY TO U.S. OF CHILDREN OF SOVIET PERSONNEL BORN IN U.S. SINCE THEY CANNOT BE ISSUED U.S. ENTRY VISAS. MOREOVER, REZNICHENKO EMPHASIZED THAT SOVIET SIDE SEES FUTURE POSSIBILITY OF FURTHER UNDEFINED PROBLEMS ARISING FROM POSSIBLE CLAIM OF THESE CHILDREN TO U.S. CITIZENSHIP.

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10. U.S. SIDE REPLIED THAT PROBLEMS INVOLVING TRAVEL OF THESE SOVIET CHILDREN HAVE BEEN RESOLVED BY U.S. DECISION TO PERMIT THEIR ENTRY INTO U.S. WITH SOVIET PASSPORT DEVOID OF U.S. VISA. U.S.-SIDE POINTED OUT THAT THERE ARE NO PRACTICAL PROBLEMS INVOLVED IN THIS MATTER, SINCE US DOES NOT FORCE AMERICAN CITIZENSHIP ON ANYBODY. ONLY VOLUNTARY PURSUIT OF CLAIM, FOR EXAMPLE, BY APPLICATION FOR US PASSPORT, WOULD MAKE US CITIZENSHIP OPERATIVE. UNTIL THEN THERE WOULD BE NO CURTAILMENT OF THEIR STATUS IN U.S. AT THIS POINT, MFA CONSULAR ADMINISTRATION FIRST SECRETARY BOSIKOV INTERJECTED CASE OF ABLE STOLAR AS EXAMPLE OF PROBLEMS INVOLVED IN THIS TYPE OF DUAL NATIONAL CASE. CONSULAR COUNSELOR POINTED OUT THAT STOLAR'S CASE DID NOT FIT THIS PATTERN, SINCE AT HIS BIRTH, HIS PARENTS WERE PERMANENT RESIDENTS OF US NOT ON SOVIET ASSIGNMENT. AS IN OTHER DUAL NATIONAL CASES, HOWEVER, THE OPERATIVE FACTOR IN STOLAR'S CASE HAS BEEN VOLUNTARY, ACTIVE PURSUIT OF THE CITIZENSHIP CLAIM, WITHOUT WHICH HE COULD NOT HAVE BEEN FOUND TO BE AMERICAN CITIZEN. EVEN IN STOLAR'S CASE, HOWEVER, US SIDE IS NOT INSISTING THAT SOVIET SIDE RECOGNIZE HIS US CITIZENSHIP BUT ONLY TO GRANT EXIT

PERMISSION FOR HIM AND HIS FAMILY TO DEPART. REZNICHENKO
STATED THAT, WHILE PROBLEM HE RAISED IS NOT ACUTE, SOVIET SIDE WOULD
APPRECIATE TRANSMITTAL OF ITS REQUEST TO DEPARTMENT.

11. AT CONCLUSION OF SESSION, REZNICHENKO NOTED THAT INITIAL
EXCHANGE ON ALL SOVIET AND US AGENDA ITEMS HAS NOW BEEN COMPLETED
AND SUGGESTED THAT FORMAL SESSIONS BE SUSPENDED WHILE DEPARTMENT
AND MFA, AS WELL AS OTHER "COMPETENT ORGANS" ON BOTH SIDES,
STUDY THE VARIOUS PROPOSALS. SESSIONS CONCLUDED WITH MUTUAL
AGREEMENT TO CONTINUE TALKS WHEN INTERNAL REVIEWS HAVE PROGRESSED
ENOUGH TO PERMIT FURTHER EXCHANGE.
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